

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRANDON DANTE BARNES,

Plaintiff,

vs.

CO KYLE MEDVA, SARGEANT
POBORSKY, C/O KOPELIC, C/O FISHER,
C.O. GERBER, LT. MARK A. TURNER, C/O
BORNSTNAR, SGT. WHITACRE, C/O
LOMONDE, C/O CAPUTA, DR. KAUFFMAN,
C/O SHROMER, LIEUTENANT BOYCE, AL
JOSEPH, C. WADSWORTH, B.J. SALAMON,
MS. MCCLELLAND, CHRISTIE SCHENCK,
GRIEVANCE COORDINATOR; SCI
SOMERSET SECURITY DEPT., LT.
THOMAS, SCI SOMERSET MAILROOM, MS.
LAFTE, PSYCH; MR. CARO, MS. PYLE, LT.
WALTERS, LT. WASHABAUGH, CO SCOTT,
CO GIBSON, C/O YINGLING, CO
REESEMAN, MS. FULMER,
PSYCHOLOGIST; CO SHULTZ, C. WIEGLE,
MAILROOM SUPERVISOR; BRIAN HYDE,
JAMES BARNACLE, OSSI; MELISSA
HAINSWORTH, FACILITY MANAGER OF
SCI SOMERSET; E. TICE, F.M.; DORINA
VARNER, KERI MOORE, S. WIGGINS, HEX.;
CO TRESSLER, B.M. DECKER, COUNSELOR
RITENHOUR, F.M. OVERMYER, MAJOR
TILLER, LT. ABBOTT, CO SWEITZER, SGT.
BLYTHE, CO MURPHY, LT. KIM, LT.
LINDSEY, CO ROSE, LT. KILLINGER,
ZACHARY MOSLAK, CHIEF HEARING
EXAMINER; AND C/O MARKS,

Defendants,

Criminal No. 3:19-cv-202
Judge Stephanie L. Haines

ORDER

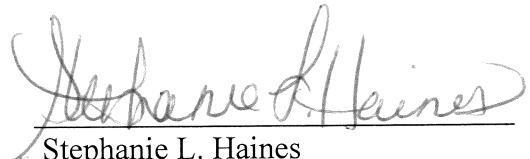
AND NOW, this 21st day of September, 2022, for the reasons set forth in Chief Magistrate Judge Eddy's Report and Recommendation (ECF No. 77), which is adopted in whole as the

opinion of the Court, IT IS ORDERED that Defendant Kaufman's Motion to Dismiss (ECF No. 61) is hereby GRANTED, and all claims against Defendant Kaufman are hereby DISMISSED WITH PREJUDICE; and,

IT IS FURTHER ORDERED that the Corrections Defendants' Motion to Dismiss (ECF No. 59) is GRANTED IN PART and DENIED IN PART. Specifically, the Corrections Defendants' Motion is DENIED as to Plaintiff's claims for Eighth Amendment excessive force pursuant to 42 U.S.C. § 1983 against Defendants C/O Medva, Sgt. Poborsky, C/O Gerber and the John/Jane Doe Corrections Officers and for assault and battery under Pennsylvania law against C/O Medva, C/O Gerber, and the John/Jane Doe Corrections Officers. The Corrections Defendants' Motion is GRANTED in all other respects, and all other claims and Defendants are DISMISSED WITH PREJUDICE; and,

IT IS FURTHER ORDERED that Plaintiff's Objections (ECF No. 79) are OVERRULED; and,

IT IS FURTHER ORDERED that Plaintiff's Motions to Amend Objections (ECF Nos. 80 and 83) are DENIED.


Stephanie L. Haines
United States District Judge